

## EDUCATIONAL EXAMINERS BOARD[282]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby amends Chapter 11, “Complaints, Investigations, Contested Case Hearings,” and Chapter 25, “Code of Professional Conduct and Ethics,” Iowa Administrative Code.

The first amendment allows the Executive Director of the Board of Educational Examiners to file an ethics complaint when a licensee fails to comply with a Board order. The second amendment adds “creed” to the list of bases on which a licensee may not discriminate. The purpose of this addition is to mirror the list of protected classes found in Iowa Code section 216.9, the section of the Iowa Civil Rights Act concerning education. The second amendment also adds failure to comply with a Board order as a basis for licensee discipline. This change addresses situations in which a licensee receives a deferred suspension but fails to satisfy the required conditions. The amendment creates an independent basis for discipline, so failure to comply with a Board order could lead to an ethics complaint and a contested case proceeding.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0677C** on April 3, 2013.

A public hearing was held on Wednesday, April 24, 2013, with written comment accepted until Friday, April 26, 2013. No one attended the public hearing, and no written comments were received. These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

These amendments will become effective August 28, 2013.

The following amendments are adopted.

ITEM 1. Amend subrule 11.4(1) as follows:

**11.4(1)** *Who may initiate.* The following entities may initiate a complaint:

*a. to c.* No change.

*d.* The executive director of the board of educational examiners if the following circumstances have been met:

(1) The executive director receives information that a practitioner:

1. to 6. No change.

7. Has assigned another practitioner to perform services for which the practitioner is not properly licensed; ~~and or~~

8. Has failed to comply with a board order as prohibited by 282—paragraph 25.3(7) “d”; and

(2) The executive director verifies the information or the alleged misconduct through review of official records maintained by the board, a court, the department of human services registry of founded child abuse reports, the practitioner licensing authority of another state, the department of education, the local school district, area education agency, or authorities in charge of the nonpublic school, or the executive director is presented with the falsified license; and

(3) No other complaint has been filed.

*e. and f.* No change.

ITEM 2. Amend subrules 25.3(6) and 25.3(7) as follows:

**25.3(6)** *Standard VI—unethical practice toward other members of the profession, parents, students, and the community.* Violation of this standard includes:

*a. to d.* No change.

*e.* Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.

*f. to r.* No change.

**25.3(7)** *Standard VII—compliance with state law governing obligations to state or local governments, student loan obligations, ~~and~~ child support obligations, and board orders.* Violation of this standard includes:

*a. to c.* No change.

*d.* Failing to comply with a board order.

[Filed 6/27/13, effective 8/28/13]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/24/13.